

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:10-cr-00509-JCM-RJJ

Plaintiff,

ORDER

v.

DIANE TEDESCO,

Defendant.

Presently before the court is *pro se* defendant Diane Tedesco's ("defendant") motion for a sentence reduction under Amendment 782 of 18 U.S.C. § 3582(c). (Doc. # 29).

On November 21, 2014, defendant filed her first *pro se* motion for a sentence reduction. (Doc. # 21). This court denied defendant's motion on May 26, 2015, after finding that the defendant was ineligible for the requested reduction due to the fact that she was originally sentenced below the guideline range. (Doc. # 28). Defendant then filed the instant motion. (Doc. # 29).

As previously noted by this court, at defendant's sentencing hearing, the court departed downward to a lower criminal history category pursuant to U.S.S.G. § 4A1.3, on the grounds that the defendant's criminal history was overrepresented. Accordingly, the court imposed a sentence below the originally calculated guideline range. Specifically, probation calculated defendant's guideline sentencing range to be 130 to 162 months, and the court sentenced defendant to 110 months. (Doc. # 26).

Pursuant to U.S.S.G. § 1B1.10(b)(2), the court generally may not reduce a defendant's term of imprisonment to a period less than the amended guideline range. U.S.S.G. § 1B1.10(b)(2)(A). The sole exception to this rule involves cases in which the defendant originally received a below-

1 guideline sentence pursuant to a government motion for substantial assistance. U.S.S.G. §  
2 1B1.10(b)(2)(B).


3 Based on the foregoing, the court finds that the defendant is not entitled to a discretionary  
4 sentence reduction in this case. Defendant's existing sentence reflects the low end of the applicable  
5 amended guideline range, and the statute does not permit further reduction.

6 Defendant's motion will therefore be denied.

7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *pro se* defendant Diane  
9 Tedesco's motion for a sentence reduction, (doc. # 29), be, and the same hereby is, DENIED.

10 DATED THIS 4<sup>th</sup> day of November, 2015.

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13 JAMES C. MAHAN  
14 UNITED STATES DISTRICT JUDGE  
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